**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals*
*Office of the Clerk*

*5201 Leesburg Pike, Suite 1300*
*Falls Church, Virginia 22041*

**Prappas, Elaine F.**
**4151 SW Freeway, Suite 380**
**Houston, TX 77027-7325**

**Office of the District Counsel/HOU**
**126 Northpoint Drive**
**Houston, TX 77060**

**Name: John Ayanbadejo** **A76-828-558**

**Date of this notice: 06/16/2005**

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

Frank Krider
Chief Clerk

Enclosure

Panel Members:
GRANT, EDWARD R.

U.S. Department of Justice
Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A76-828-558 – Houston

Date: JUN 16 2005

In re: John Ayanbadejo, Beneficiary of a visa petition filed by Felicia Ayanbadejo, Petitioner

IN VISA PETITION PROCEEDINGS

APPEAL

ON BEHALF OF PETITIONER: Prappas, Elaine F.

ON BEHALF OF DHS: Pauline A. Appelbaum

ORDER:

PER CURIAM, The Board affirms, without opinion, the results of the decision below. The decision below is, therefore, the final agency determination. *See* 8 C.F.R. § 1003.1(e)(4).

FOR THE BOARD

UNITED STATES DEPARTMENT OF JUSTICE
BOARD OF IMMIGRATION APPEALS

In The Matter of

Felicia Dyrrall Ayanbadejo
(Beneficiary)

John Henry Ayanbadejo
(Petitioner)

A 76-828-558

(USCIS Houston, Texas, District Office)

☒ In Visa Petition Proceedings

☐ In Visa Petition Revocation Proceedings

## DEPARTMENT OF HOMELAND SECURITY'S RESPONSE TO THE APPEAL

The Department of Homeland Security requests that the Board dismiss the appeal for the following reason(s):

☐ The notice of appeal does not include a statement that identifies the findings of fact, the conclusions of law, or both, that are being challenged. 8 CFR § 1003.3(b).

☐ The appealing party indicated that a brief in support of the appeal would be filed, but the time within which the brief was to be filed has passed and no brief has been filed. 8 CFR § 1003.3(b).

☐ The notice of appeal was not filed timely. 8 CFR § 1205.2(d).

☐ The appealing party is not an "affected party." 8 CFR § 1003.3(a)(2), and thus lacks standing to appeal in this case. The appeal was filed by ☐ the beneficiary, ☐ the beneficiary's attorney, ☐ an attorney who has not filed a notice of appearance as required by 8 CFR § 1003.3(a)(2) and (a)(3).

☐ The appeal and all attachments are not in English or accompanied by a certified English translation. 8 CFR § 1003.3(a)(2).

☒ The record as a whole indicates that the Board should not disturb the decision in this case. The Department of Homeland Security will rely upon the Decision of the District Director without further briefing.

☒ Other: Petitioner says a brief was filed using the wrong A#. The Service does not have the brief in the A file.

Dated: Houston, TX
April 18, 2005

Respectfully submitted,
Pauline A. Applebaum
Pauline A. Applebaum
USCIS Associate Area Counsel
126 Northpoint, Room 1173
Houston, TX 77060
281-774-4651

### CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2005, I served a copy of the within document by regular first class mail upon the following:

Elaine F. Proffas, Esq.
6200 Gulf Freeway, Suite 400
Houston, TX 77023

Pauline A. Applebaum
(Signature)

Form I-30 rev. (12/1/97)

Ayanbadejo-000004

*of the Associate Area Counsel*

**U.S. Department of Homeland Security**
126 Northpoint Room 1173
Houston. Texas 77060

U.S. Citizenship and
Immigration Services

April 18,2005

Elaine F. Prappas
Attorney at Law
6200 Gulf Freeway, Suite 400
Houston, TX 77023

RE: Visa Petition Appeal, A76-828-558

Dear Ms. Prappas:

Please be advised that the visa petition appeal that you filed on November 5, 2002, has been forwarded to the Board of Immigration Appeals on today's date, together with the entire Record of Proceeding including the Form I-130 and supporting documentation, the Service's Notice of Intent to Deny, any rebuttal, and the final denial. On April 13, 2005, you wrote me asking me to "correct" various errors in your use of the A number on a brief you apparently submitted. Please be advised that the brief using the wrong A number has never been received to the A file for submission to the Board, Also, please be advised for future reference that any amendments necessary to legal work submitted by your office must be corrected by your office. If you have retained a copy of the brief showing timely submission, please forward a copy both to the Board and to my attention for placement in the administrative file. Enclosed please find the Department of Homeland Security's response to the appeal.
Sincerely,

Pauline A. Appelbaum